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the Munsiffs' Courts under them. At present the right of inspection vested only in the High Court. The District Courts, which exercised appellate jurisdiction, could not inspect the Munsiffs' Courts and see how things were going on in the latter. The High Court, with their multifarious duties, were not able to do the inspection work as satisfactorily as could be wished. In 1085, the High Court were able to inspect only 8 out of the 39 Courts. The High Court themselves would be prepared to concede that the Munsiffs should be kept under proper control and their work carefully scrutinised, and it was all the more necessary now, because the Civil Courts' Regulation of 1084 had enhanced the small cause jurisdiction of the Munsiffs from Rs. 30 to Rs. 100. The Munsiffs now disposed of their small cause suits in the most summary way, and there was no appeal from their decisions; but a revision power lay in the High Court, which ordinarily could not be exercised unless a point of law was involved in the case. Last year, about 39,000 suits, of the value of 14 lacs of rupees, belonging to poor people, were disposed of in this way. It was this rough and ready sort of justice that the people got in these small cause suits. It was therefore imperatively necessary that the work of the lower courts should receive careful and constant supervision at the hands of responsible officers, and the power of inspection could well be given to the District Courts, who had every facility to do the work satisfactorily, without in any way allowing their legitimate work to suffer. The Member added that the system advocated by him obtained in British India. The Munsiffs' Courts in the State were all situated within easy distances of the District Courts, and even if, in any case, the distance was great, the advantages from the change were so great that the risk might well be taken. He therefore requested that the matter might be favourably considered.

Dewan's reply.— The High Court are in favour of the suggestion made by the Member and the Government hope to take action in the matter soon.

24. Certain irregular proceedings of the Civil and Criminal Courts.

Mr. O. Padmanabha Pillai (Member, Quilon Taluk) made the following suggestions for the consideration of the Government, with a view to prevent the privations and losses which the public experienced at the hands of the Judicial Department:—

(1) That orders should be issued to enforce the High Court Circular requiring decrees in civil cases to be drawn up within two weeks from the date of judgment and also to see that such decrees were correctly drawn up. The Member said that at present there was a delay of several months

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in drawing up decrees, and mistakes in the amounts were also seen in the decrees prepared, due in some cases to the wilful action of the clerks.

(2) That, as there was great delay, extending to even 2 and 3 years in some cases, in granting copies of judgments and decrees in appealable cases to the parties concerned, it was necessary to fix a time-limit for the grant of such copies and to enforce a strict adherence to it.

(3) That the practice of requiring parties to produce before the Court employés the original documents, intended to accompany plaints and written statements, for copies thereof being taken, should be changed, the parties themselves being allowed to prepare the copies and file them along with the plaints or written statements, as was the case before. Owing to the present practice, the parties sometimes did not get the copies in time, with the result that the plaints could not be given, as the suits became time-barred. There were also cases in which the Court employés tampered with the original documents and made corrections, erasures, etc., in them.

(4) That decrees should be ordered to be promptly executed.

(5) That proper persons were not appointed by the Courts as Commissioners for taking the statements of parties or valuing properties or improvements thereon, and that honest and educated people should alone be appointed for the purpose.

(6) That circular instructions should be issued to all Judges and Munsiffs to exercise a careful supervision over the work and conduct of the Amins, Commissioners, clerks and peons of the Courts.

(7) That batta should not be demanded for payment to witnesses, if the amount remitted by the parties in the first instance had not been spent. Parties were as a fact being compelled to pay batta again, if the witnesses did not turn up in obedience to the summons first issued.

(8) In some Courts, cases were posted for hearing without the knowledge of the Judge or Munsiff. Too many cases were also posted for a day, and most of them adjourned several times to the great inconvenience of the parties and Vakils. It was therefore necessary to direct that no more cases should be posted for a day than could

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possibly be disposed of in one day. Witnesses summoned on a particular day should, as far as possible, be also examined the same day.

(9) That the Courts should not insist on the production of copies of documents in cases in which the parties did not require the originals to be returned to them.

(10) That Regulation VI of 1010 had fixed a time-limit for the disposal of criminal cases, and as that Regulation was no longer in force, circular instructions should be issued, on the lines of that Regulation, with such modifications as might be necessary to suit the present conditions. There was at present very great delay.

(11) That Tahsildar-Magistrates should have strict instructions not to post too many cases in camp, as that was a source of great hardship to the people.

(12) That the Devaswom work should be taken away from the Tahsildars and entrusted to some other agency.

(13) That respectable ladies should not be compelled to appear in the Courts as witnesses and that provision should be made for the Magistrates examining them at their residences. The present arrangements made it possible for mischievously inclined Vakils and parties to put delicate and unnecessary questions to ladies and bring them to disgrace.

(14) That the Government should prefer appeals in cases of acquittals in criminal cases more freely than they now did.

(15) That the period prescribed for preferring appeals to the High Court should be increased from two to three months in all cases.

(16) That the Magistrates should be instructed to use freely the preventive Sections of the Criminal Procedure Code and thus minimise the commission of grave crimes.

(17) That it was undesirable to have two Judges or two Munsiffs in the same station, and that, if more were wanted in any place, Sub-Judges might be appointed, and, in the case of Munsiffs, the Courts might be re-distributed so as to allow a Munsiff's Court for each taluk.

(18) That strict instructions should be issued prohibiting all judicial officers from holding court at night and enforcing their attendance from 11 A. M. to 5 P. M.

(19) Parties were put to great pecuniary loss on account of the way in which copies of records were prepared in the Criminal Courts. There were circular instructions prescribing the minimum number of words for a page,

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but the rules were not being observed. The Civil Courts were much better in this respect, as the copyists were given a fixed pay. The circulars should be enforced.

The Dewan then invited the opinions of a few other Members of the Assembly on the practices referred to and the suggestions made by Mr. Padmanabha Pillai.

Mr. K. Atchuthan Pillai, B. A., B. L. (Member, Trivandrum Taluk) said that he agreed with what Mr. Padmanabha Pillai had said under points 1, 2, 4, 5, 7, 8, 11 and 19. In regard to the production of original documents for taking copies, he said that he did not experience much trouble, but he knew of cases of tampering by the clerks. As a fact, one or two such cases were pending enquiry in the Trivandrum Munsiff's Court. He was not very particular about raising the appeal time to three months. As regards work being done at night, he said that it was not the general rule, but it was being done in certain places towards the end of every quarter. In regard to preventive action being taken, the Member thought that it was best left to the Police. With regard to the examination of Gosha women, there were cases in his knowledge in which the Vakils put unnecessary questions to them, but the Magistrates had the necessary discretion, and, in his opinion, they also exercised it properly.

Mr. Kanakku Krishnan Atchuthan (Member, Alangad Taluk) said that he agreed with Mr. Atchuthan Pillai.

Mr. P. Kesava Pillai, B. A., B. L. (Member, Quilon Taluk) said that he was at one with Mr. Padmanabha Pillai in regard to points 1, 2, 5, 9 and 10. He also knew of two cases in which the clerks had tampered with the original documents produced before them to take copies. But the cases were not so numerous as to call for any change of practice. In regard to witness' batta, he said that parties had often to pay batta over again, but he thought that, if a witness did not appear, the proper thing to do was to issue a warrant, and that, if the party applied for the issue of a fresh summons, it was his own mistake. In his opinion, no change was necessary in the existing practice. As regards the period fixed for appeals, he said that two months was quite sufficient, as the time taken for getting copies of records was invariably excluded. The Member had nothing special to say on the other points.

Mr. Kora Varkey (Member, Kottayam Trading Classes) spoke strongly about the losses caused to parties by the correct

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kind of men not being appointed as Commissioners and said that care should be taken to appoint the right men.

Dewan's reply.—The High Court will be addressed.

35. *Appointment of proper persons as Commissioners in Civil Courts.*

Mr. K. Raman Tampi (Member, Vilavancode Taluk) said that Commissioners were now being appointed by the Civil Courts on a much larger scale than before. There were several cases in which Commissioners were appointed and the decisions of the Courts were also mostly in accordance with their reports. It could be imagined therefore to what extent the interests of the parties depended on those men. In spite of all circulars and orders, the proper men were not being appointed as Commissioners. The Commissioners in several instances were the dependants of the Munsiffs or the Judges. The desirability of employing men other than Court officials as Commissioners had been brought up at the Third Assembly and a favourable reply was also given. But the rule was not observed in practice. The Member said that the same kind of care that was exercised in the appointment of Judges was necessary in selecting the Commissioners. He also added that, where both the parties to a suit jointly applied to the Court for the appointment of a certain person as Commissioner, such an application should invariably be granted.

Dewan's reply.—The attention of the High Court will be called to the representation made by the Member.

36. *Appointment of a Mahomedan Judge in the High Court.*

Mr. Ibrahim Pillai Syed Mahomed (Member, Nominated) requested that a Mahomedan Judge might be appointed to the High Court to represent the interests of the Mahomedan community.

Dewan's reply.—Noted.

37. *Appointment of Village Munsiffs and Village Panchayets.*

Mr. M. Sivathanu Pillai (Member, Thovala Taluk) said that the people underwent a lot of inconvenience and pecuniary loss in taking petty suits to the Courts and getting a decision. For fear of the expense, several cases were not taken to the Courts at all. But if such cases were not taken, one effect would be the increase of crime. If therefore Village Munsiffs and Village Panchayets (consisting of 8 men) were appointed for each village, petty civil suits up to Rs. 20 in value and petty criminal cases might be entrusted to them. The question had been brought forward at the previous Assemblies. The Government recently issued a G. O. declining to take action, as the High Court were of opinion that the system was unsuitable

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